

Agency as carrying out emergency support functions, including the following industries:

- “(A) Energy.
- “(B) Medical.
- “(C) Communications, including electronic and communications components.
- “(D) Defense.
- “(E) Transportation.
- “(F) Aerospace, including space launch.
- “(G) Robotics.
- “(H) Artificial intelligence.
- “(I) Semiconductors.
- “(J) Shipbuilding.
- “(K) Water, including water purification.

“(2) **QUANTIFICATION.**—In conducting a review of industries under paragraph (1), the Committee should specify the quantity of articles, supply chains, and services, and specific types and examples of transactions, from each industry sufficient to maintain national critical capabilities.

“SEC. 1008. REPORTING REQUIREMENTS.

“(a) **ANNUAL REPORT TO CONGRESS.**—

“(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, and annually thereafter, the Committee shall submit to the appropriate congressional committees a report—

“(A) on the determination under section 1006 with respect to sensitivities and risks for sourcing of articles described in section 1001(a)(1)(B)(i);

“(B) assessing whether identification of additional national critical capabilities under section 1007 is necessary; and

“(C) describing, for the year preceding submission of the report—

“(i) the notifications received under subsection (a) of section 1003 and reviews conducted pursuant to such notifications;

“(ii) reviews initiated under paragraph (2) or (3) of subsection (b) of that section;

“(iii) actions recommended by the Committee under subsection (b)(1)(B) of that section as a result of such reviews; and

“(iv) reviews during which the Committee determined no action was required; and

“(D) assessing the overall impact of such reviews on national critical capabilities.

“(2) **FORM OF REPORT.**—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

“(b) **USE OF DEFENSE PRODUCTION ACT OF 1950 AUTHORITIES.**—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Committee shall submit to Congress a report that includes recommendations relating to use the authorities under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to make investments to enhance national critical capabilities and reduce dependency on materials and services imported from foreign countries.

“SEC. 1009. REQUIREMENT FOR REGULATIONS.

“(a) **IN GENERAL.**—The Committee shall prescribe regulations to carry out this title.

“(b) **ELEMENTS.**—Regulations prescribed to carry out this title shall—

“(1) provide for the imposition of civil penalties for any violation of this title, including any mitigation agreement entered into, conditions imposed, or order issued pursuant to this title; and

“(2) include specific examples of the types of—

“(A) the transactions that will be considered to be covered transactions; and

“(B) the articles, supply chains, and services that will be considered to be national critical capabilities.

“(c) **COORDINATION.**—In prescribing regulations to carry out this title, the Committee shall coordinate with the United States Trade Representative, the Under Secretary

of Commerce for Industry and Security, and the Committee on Foreign Investment in the United States to avoid duplication of effort.

“SEC. 1010. REQUIREMENTS RELATED TO GOVERNMENT PROCUREMENT.

“(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Federal Acquisition Regulation shall be revised to require each person that is a prospective contractor for an executive agency to disclose the supply chains the person would use to carry out the contract and the extent to which the person would depend on articles and services imported from foreign countries, including the percentage of such materials and services imported from countries of concern.

“(b) **MATERIALITY.**—The head of an executive agency shall consider the failure of a person to make the disclosures required by subsection (a) to be material determinants in awarding a contract to that person.

“(c) **APPLICABILITY.**—The revisions to the Federal Acquisition Regulation required under subsection (a) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.

“(d) **DEFINITIONS.**—In this section:

“(1) **EXECUTIVE AGENCY.**—The term ‘executive agency’ has the meaning given that term in section 133 of title 41, United States Code.

“(2) **FEDERAL ACQUISITION REGULATION.**—The term ‘Federal Acquisition Regulation’ means the regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.

“SEC. 1011. MULTILATERAL ENGAGEMENT AND COORDINATION.

“The United States Trade Representative—

“(1) should, in coordination and consultation with relevant Federal agencies, conduct multilateral engagement with the governments of countries that are allies of the United States to secure coordination of protocols and procedures with respect to covered transactions with countries of concern; and

“(2) upon adoption of protocols and procedures described in paragraph (1), shall work with those governments to establish information sharing regimes.

“SEC. 1012. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary to carry out this title, including to provide outreach to industry and persons affected by this title.

“SEC. 1013. RULE OF CONSTRUCTION WITH RESPECT TO FREE AND FAIR COMMERCE.

“Nothing in this title may be construed as prohibiting or limiting the free and fair flow of commerce outside of the United States that does not pose an unacceptable risk to a national critical capability.”

(b) **CLERICAL AMENDMENT.**—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

“TITLE X—NATIONAL CRITICAL CAPABILITIES REVIEWS

“Sec. 1001. Definitions.

“Sec. 1002. Committee on National Critical Capabilities.

“Sec. 1003. Review of covered transactions.

“Sec. 1004. Action by the President.

“Sec. 1005. Factors to be considered.

“Sec. 1006. Supply chain sensitivities.

“Sec. 1007. Identification of additional national critical capabilities.

“Sec. 1008. Reporting requirements.

“Sec. 1009. Requirement for regulations.

“Sec. 1010. Requirements related to government procurement.

“Sec. 1011. Multilateral engagement and coordination.

“Sec. 1012. Authorization of appropriations.

“Sec. 1013. Rule of construction with respect to free and fair commerce.”

SA 4756. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle —Combating Synthetic Drugs

SEC. 01. SHORT TITLE.

This subtitle may be cited as the “Fighting Emerging Narcotics Through Additional Nations to Yield Lasting Results Act” or the “FENTANYL Results Act”.

SEC. 02. PRIORITIZATION OF EFFORTS OF THE DEPARTMENT OF STATE TO COMBAT INTERNATIONAL TRAFFICKING IN COVERED SYNTHETIC DRUGS.

(a) **IN GENERAL.**—The Secretary of State shall prioritize efforts of the Department of State to combat international trafficking of covered synthetic drugs by carrying out programs and activities to include the following:

(1) Supporting increased data collection by the United States and foreign countries through increased drug use surveys among populations, increased use of wastewater testing where appropriate, and multilateral sharing of that data.

(2) Engaging in increased consultation and partnership with international drug agencies, including the European Monitoring Centre for Drugs and Drug Addiction, regulatory agencies in foreign countries, and the United Nations Office on Drugs and Crime.

(3) Carrying out programs to provide technical assistance and equipment, as appropriate, to strengthen the capacity of foreign law enforcement agencies with respect to covered synthetic drugs, as required by section 03.

(4) Carrying out exchange programs for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs, as required by section 04.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this section.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 03. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE CAPACITY OF FOREIGN LAW ENFORCEMENT AGENCIES WITH RESPECT TO COVERED SYNTHETIC DRUGS.

(a) **IN GENERAL.**—Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22

U.S.C. 2420), the Secretary of State shall establish a program to provide assistance to strengthen the capacity of law enforcement agencies of the countries described in subsection (c) to help such agencies to identify, track, and improve their forensics detection capabilities with respect to covered synthetic drugs.

(b) **PRIORITY.**—The Secretary of State shall prioritize technical assistance, and the provision of equipment, as appropriate, under subsection (a) among those countries described in subsection (c) in which such assistance and equipment would have the most impact in reducing illicit use of covered synthetic drugs in the United States.

(c) **COUNTRIES DESCRIBED.**—The foreign countries described in this subsection are—

(1) countries that are producers of covered synthetic drugs;

(2) countries whose pharmaceutical and chemical industries are known to be exploited for development or procurement of precursors of covered synthetic drugs; or

(3) major drug-transit countries for covered synthetic drugs as defined by the Secretary of State.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of State to carry out this section \$4,000,000 for each of the fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. 04. EXCHANGE PROGRAM ON DEMAND REDUCTION MATTERS RELATING TO ILICIT USE OF COVERED SYNTHETIC DRUGS.

(a) **IN GENERAL.**—The Secretary of State shall establish or continue and strengthen, as appropriate, an exchange program for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs.

(b) **PROGRAM REQUIREMENTS.**—The program required by subsection (a)—

(1) shall be limited to individuals who have expertise and experience in matters described in subsection (a);

(2) in the case of inbound exchanges, may be carried out as part of exchange programs and international visitor programs administered by the Bureau of Educational and Cultural Affairs of the Department of State, including the International Visitor Leadership Program, in coordination with the Bureau of International Narcotics and Law Enforcement Affairs; and

(3) shall include outbound exchanges for governmental or nongovernmental personnel in the United States.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of State to carry out this section \$1,000,000 for each of fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. 05. AMENDMENTS TO INTERNATIONAL NARCOTICS CONTROL PROGRAM.

(a) **INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.**—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by inserting after paragraph (9) the following new paragraph:

“(10) **COVERED SYNTHETIC DRUGS AND NEW PSYCHOACTIVE SUBSTANCES.**—

“(A) **COVERED SYNTHETIC DRUGS.**—Information that contains an assessment of the countries significantly involved in the manufacture, production, transshipment, or trafficking of covered synthetic drugs, to include the following:

“(i) The scale of legal domestic production and any available information on the num-

ber of manufacturers and producers of such drugs in such countries.

“(ii) **Information on any law enforcement assessments of the scale of illegal production of such drugs, including a description of the capacity of illegal laboratories to produce such drugs.**

“(iii) **The types of inputs used and a description of the primary methods of synthesis employed by illegal producers of such drugs.**

“(iv) **An assessment of the policies of such countries to regulate licit manufacture and interdict illicit manufacture, diversion, distribution, shipment, and trafficking of such drugs and an assessment of the effectiveness of the policies’ implementation.**

“(B) **NEW PSYCHOACTIVE SUBSTANCES.**—Information on, to the extent practicable, any policies of responding to new psychoactive substances, to include the following:

“(i) **Which governments have articulated policies on scheduling of such substances.**

“(ii) **Any data on impacts of such policies and other responses to such substances.**

“(iii) **An assessment of any policies the United States could adopt to improve its response to new psychoactive substances.**

“(C) **DEFINITIONS.**—In this paragraph, the terms ‘covered synthetic drug’ and ‘new psychoactive substance’ have the meaning given those terms in section 07 of the FENTANYL Results Act.”.

(b) **DEFINITION OF MAJOR ILICIT DRUG PRODUCING COUNTRY.**—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) by striking “means a country in which—” and inserting the following: “means—

“(A) a country in which—”;

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and moving such clauses, as so redesignated, two ems to the right;

(C) in subparagraph (A)(iii), as redesignated by this paragraph, by striking the semicolon at the end and inserting “; or”; and

(D) by adding at the end the following new subparagraph:

“(B) a country which is a significant direct source of covered synthetic drugs or psychotropic drugs or other controlled substances significantly affecting the United States;”;

(2) by amending paragraph (5) to read as follows:

“(5) the term ‘major drug-transit country’ means a country through which are transported covered synthetic drugs or psychotropic drugs or other controlled substances significantly affecting the United States;”;

(3) in paragraph (8), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(9) the term ‘covered synthetic drug’ has the meaning given that term in section 07 of the FENTANYL Results Act.”.

SEC. 06. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should direct the United States Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to advocate for more transparent assessments of countries by the International Narcotics Control Board; and

(2) bilateral, plurilateral, and multilateral international cooperation is essential to combating the trafficking of covered synthetic drugs.

SEC. 07. DEFINITIONS.

In this subtitle:

(1) **COVERED SYNTHETIC DRUG.**—The term “covered synthetic drug” means—

(A) a synthetic controlled substance (as defined in section 102(6) of the Controlled Sub-

stances Act (21 U.S.C. 802(6))), including fentanyl or a fentanyl analogue; or

(B) a new psychoactive substance.

(2) **NEW PSYCHOACTIVE SUBSTANCE.**—The term “new psychoactive substance” means a substance of abuse, or any preparation thereof, that—

(A) is not—

(i) included in any schedule as a controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.); or

(ii) controlled by the Single Convention on Narcotic Drugs, done at New York March 30, 1961, or the Convention on Psychotropic Substances, done at Vienna February 21, 1971;

(B) is new or has reemerged on the illicit market; and

(C) poses a threat to the public health and safety.

SA 4757. Mr. BURR (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1 [] J. REVISION OF STANDARD OCCUPATIONAL CLASSIFICATION SYSTEM.

The Director of the Office of Management and Budget shall, not later than 30 days after the date of enactment of this Act, categorize public safety telecommunications as a protective service occupation under the Standard Occupational Classification System.

SA 4758. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. REPORT ON IRANIAN MILITARY CAPABILITIES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report that includes a detailed description of—

(1) improvements to Iranian military capabilities in the preceding 180-day period, including capabilities of the Islamic Revolutionary Guard Corps, the Quds Force, the Artesh, and the Basij, as well as those of its terrorist proxies; and

(2) the direct or indirect impact that the suspension, issuance, or revocation of any waiver, license, or suspension of economic sanctions on Iran may have on such capabilities.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.